App. F IX 4

Rad

1928

File No 18-2

Previous References
Mel 120-27 & 46247

Mel

Serial Nos. 764

Later References

General and Revenue Secretariat.

Serial Nos

Part B for Mel 629

SUBJECT

Cancellation of the award made in regard to the acqn of Site No 1 of Sagar Town for the Construction of a vegetable market and the grant of a fresh award

76 To, The Revenue Commr & D C Bijapur No & 693-4/d 24 7 29

Approves of the recom of the Rev Comr

General and Revenue Secretariat | File No | of 192

Serial No

24 Letter No C 4662/28-2 dated 27th May 1928 from the Rev Comr to Secy —

Forwards a copy of letter No B-4. C 2156/28-29 of 1st May 1928 from the Dy Comr Shimoga Dl, stating that the award made by the Sub-Division Officer and Land Acquisition Officer, Sagar in regard to the acquisition of a site No 1 of Sagar Town for the construction of a vegetable market at Sagar at

is defective, that it may therefore be cancelled and a fresh award made

From the copy of the Dy Comrs letter dated 1st May 1928 it is seen that there were 4 claimants for the site now to be acquired the Sub-Division Officer of Sagar passed an award as L A. Officer fixing the amount of compensation at Rs 2350. But in the award order no mention was made as to whom the amount had to be paid

Under Section 11 of the L A Act the L A Officer ought to have ascertained the objections of Compensation among the 4 claimants, whether or not they have personally appeared before him or his Asst have enquired their objections and also the amounts due to them

J Secy

General and Revenue Secretariat

Fel File No. 18 App. of 1929

Serial No.

In the above circumstances Hon'ble Govt. hope that the award made by Hon'ble Dist. in the present case is defective and may therefore be cancelled and a fresh award ordered.

That Hon'ble Govt. also approve having the Dist. on the point with the Collector of Dist. and suggest that the proceeding Govt. and suggest that the proceeding may be withdrawn that the amount of Compensation will be paid to the persons producing a declaration of title to it from a Confidential Court of law competent

Ref for opinion of Advt. General as to whether the may be Convicted as to whether the 2/7/29 Govt. Dist. may now be directed to revise the award as required by law or the Hon'ble Govt. may be approved

(Sd) 2/7

The Rev. Govt's recommendation may be accepted

Second Member 10/7

Advt. 1/7

Noted—Contn Sheet

OFFICE OF THE INDIAN REGISTRAR OF COPYRIGHT
10 JULY 1929
No. Appd.

WD 61631—GPB—30,000—3-1-29

App. F III—2

General and Revenue Secretariat

All File No. 18 of 1927

Serial No.	
96	

- 5 AUG. 1929 L. & E. BRANCH

WD 01634—GPE—30,000—30-4-29

No. C 4662/28-29 Copy in file

OFFICE OF THE REVENUE COMMISSIONER IN MYSORE,

Dated, Bangalore, 20th June 1929

From

P G D'SOUZA, Esq., B.A., B.L.,
Revenue Commissioner in Mysore

To

General
The Chief Secretary to the Government of His Highness the Maharaja of Mysore,
Bangalore.

Sir,

I have the honour to forward herewith a copy of letter No A4-C 2156/28-29 dated 1st May 1929 from the Deputy Commissioner, Shimoga, stating that the award made by the Sub Division Officer and Land Acquisition Officer, Sagar, in regard to the acquisition of a site (khanesmari No 1) of Sagar town for the construction of a vegetable market at Sagar is defective, that it may be cancelled and a fresh award made

I agree with the Deputy Commissioner that the Sub Division Officer should have while passing the award itself decreed to whom the amount was to be paid or if he felt any difficulty referred the parties to a Civil Court The only thing that can now be done is to inform the parties that the amounts will be paid to the person producing a declaration of his title to it from a competent Court of Law

The records forwarded by the Deputy Commissioner in this connection accompany

I have the honour to be,
Sir,
Your most obedient servant,

Assistant Commissioner,
For Revenue Commissioner,
Absent from the station

Letter No A4 C 2156/28-29 dated 1st May 1929 from the Deputy Commissioner, Shimoga District, to the Revenue Commissioner in Mysore

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I have the honour to bring to your kind notice that at the time of the inspection of the Assistant Commissioner's office at Sagar on the 22nd instant, I found that in regard to the acquisition of a site (khanesmari No 1) of Sagar town for the construction of a vegetable market at Sagar, the award made by the Sub Division Officer and Land Acquisition Officer was defective

The acquisition of the property was sanctioned by Government in their order No L 149-8-11 120-27-48 dated the 10th July 1928 and the Sub Division Officer, Sagar Sub Division, was appointed to perform the function of a Deputy Commissioner and take order for the acquisition of the property

There were 4 claimants to the site in question One Gurulingiah and another Basamma gave a petition to the Sub Division Officer on 24-4-28 which were filed along with the connected records praying that the amount of compensation payable for the site in question might be paid to them One Siddalingappa Setti of Hossante claimed the amount of compensation as payable to him Another Thammarasi Venkataramaniya gave a petition on 1-4-28 that he was the mortgagee and that the amount of compensation was payable to him

Notices were issued for the appearance of the parties on 3-11-1928, 5-11-28, 1-12-28, 5-1-29 and last on 23-2-29 On 29-3-29 the Sub Division Officer passed an award awarding a compensation of Rs 230/- But in the award order the Sub Division Officer has not stated to whom the amount had to be paid Under section 11 of the Land Acquisition Regulation the Sub Division Officer has not effectively apportioned the

should have rejected their claims and ordered to whom the amount of compensation had to be paid Without entering into the merits of the case and without ordering to whom the amount of compensation had to be paid, the Sub Division Officer has passed an award fixing the amount of compensation If the parties were absent on the date of hearing the Sub Division Officer could have compelled their attendance and could have taken action to compel the production of documents if any as per Section 14 of the Land Acquisition Regulation This he has failed to do

When I questioned the Assistant Commissioner he submitted that he was going to pass a supplemental award I think it is illegal to pass a supplemental award "Suvo Moto" as the original award amounts to a Judicial Order

As the award is defective, I request that a recommendation may kindly be made to Government to cancel the award and to direct that a fresh award be made

The entire file of records (Land Acquisition case No 1/27-28) is enclosed herein for favour of reference

---

"Copy"

For Revenue Commissioner

K V.

G.R.S. VI G 34]

SUBJECT.... ...

Diary No. of letter replied to... 57222

General and Revenue Secretariat

(L.S.Q)

the *192*

Date of issue.

Signed by ....

May this be

i Printed ?

ii treated as a standing order ?

iii published in the Gazette, English Part ?

iv translated ?

v placed at the disposal of the press ?

vi published in the Gazette, Kannada Part ?

Section

File No.

Serial No.

Proceedings of the Government of
His Highness the Maharaja of Mysore

Read—

6 the appointment of the Site in Eastern
al-Sagar was defective and that it
may be therefore be cancelled and
a fresh award directed and
adding that he agrees with the
Dy Com that the Sub Divisional Officer
should have, while passing the award
clearly explained to whom the amount
is to be paid or if he felt any
difficulty, referred the parties to a
Civil Court and that the only thing
that can now be done is to inform
the parties that the parties that the
amount will be paid to the person
producing a declaration of his
right it from a Competent
Court of law
(illegible)

Order no 2693-4 in RCC

and to the Revenue/Court's section.
Reading was is allowed.
(illegible)

(illegible)

Copied by

Examined by

16/7/[illegible]

List of enclosures

WD 1888—GPB—1,000,00—41 19-21